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6 *Attorneys for the United States*

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,

Case No. 2:20-cr-00254-CDS-EJY

10 Plaintiff,

Stipulation for Protective Order

11 v.

12 OGANES BERBERYAN

13 And

14 VALENTINA ZEMLYAK,

15 Defendants.

16 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M.
17 Frierson, United States Attorney, Jessica Oliva, Assistant United States Attorney, counsel
18 for the Government, and Mark Geragos, Esq. and Setara Qassim, Esq., counsel for
19 Defendants Oganes Berberyan and Velantina Zemlyak, that this Court issue this Protective
20 Order, which (as outlined herein) protects from disclosure to the public any discovery
21 documents containing third-party taxpayer information and other sensitive personal
22 identifying information.

23 In support of this Stipulation, the parties state and agree as follows:

1 1. Certain discovery to be produced to Defendants Berberyan and Zemlyak
2 contains confidential third-party federal taxpayer information provided by the Internal
3 Revenue Service in accordance with 26 U.S.C. § 6103(h)(2) and is appropriately produced
4 in discovery pursuant to 26 U.S.C. § 6103(h)(4)(A)-(D).

5 2. The third-party tax information to be provided in discovery also contains
6 personal identifying information of third parties. The release of such information to the
7 public could endanger the privacy of those individuals and also subject them to potential
8 misuse of their identities.

9 3. Such confidential third-party tax and personal identifying information is
10 collectively referred to here as the “Protected Information.”

11 4. In order to protect the privacy of the third parties referenced in the discovery,
12 the parties intend to restrict access to Protected Information provided to the defense in
13 discovery to the following individuals: Defendants Berberyan and Zemlyak, attorneys for
14 Defendants Berberyan and Zemlyak, and any personnel that the attorneys for Defendants
15 Berberyan and Zemlyak consider necessary to assist in performing those attorneys’ duties in
16 the defense of this case, including investigators, paralegals, retained experts, support staff,
17 interpreters, and any other individuals specifically authorized by the Court (collectively, the
18 “Covered Individuals”).

19 5. The Covered Individuals shall be advised of the Protective Order, and,
20 without leave of Court, the Covered Individuals shall not:

21 a. use the Protected Information for any purpose other than preparing to
22 defend against the violations in the Indictment, or any superseding
23 indictment or further charges arising out of this case;

- 1 b. provide Protected Information to the custody and control of individuals
- 2 other than Covered Individuals; or
- 3 c. publicize any Protected Information, including by attaching any Protected
- 4 Information to any of the pleadings, briefs, or other court filings except to
- 5 the extent those pleadings, briefs, or filings are filed under seal and/or
- 6 have all Protected Information redacted.

7 6. The Covered Individuals shall be further advised that any violation of this
8 Protective Order may result in sanctions by the Court.

9 7. Nothing in this stipulation is intended to restrict the parties' use or
10 introduction of the Protected Information as evidence at a hearing or trial, so long as
11 appropriate redactions are made in accordance with LR IC 6-1.

12 8. The defense shall inform any person to whom disclosure may be made
13 pursuant to this order of the existence and terms of this Court's order.

14 9. The parties reserve the right to seek to modify the terms of this protective
15 order at a later time pursuant to Federal Rule of Criminal Procedure 16(d)(1).

16 10. In the event of a disclosure of Protected Information in violation of this
17 Protective Order (inadvertent or otherwise), defense counsel will immediately:

- 18 a. Notify the person to whom the disclosure was made that it contains
19 Protected Information subject to a Protective Order and request any such
20 material be returned;
- 21 b. Make all reasonable efforts to preclude dissemination or use of the
22 Protected Information by the person to whom disclosure was
23 inadvertently made;

1 c. Notify the government and the Court in a public filing of the existence and
2 nature of any violation of this Protective Order.

3 11. The parties agree that there is good cause for entry of this Protective Order,
4 pursuant to Rule 16(d)(1).

5 DATED this 19th day of April 2023.

6 Respectfully submitted,

7 JASON M. FRIERSON
United States Attorney

8 /s/ Mark Geragos
9 MARK GERAGOS, ESQ.
SETARA QASSIM, ESQ.
10 for Defendants
Oganes Berberyan
11 Valentina Zemylak

/s/ Jessica Oliva
JESSICA OLIVA
Assistant United States Attorney

12
13 **ORDER**

14 For good cause shown, IT IS SO ORDERED this 19th day of April, 2023.

15 
16 HONORABLE ELAYNA J. YOUCHAH
17 UNITED STATES MAGISTRATE JUDGE